

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KADEEM EDWARDS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION,

Defendant.

1:23-cv-01180-ADA-SKO (PC)

**FINDINGS AND RECOMMENDATIONS TO  
DISMISS CERTAIN CLAIMS AND  
DEFENDANTS**

**14-DAY OBJECTION PERIOD**

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in a civil rights action pursuant to 42 U.S.C. § 1983.

**I. RELEVANT BACKGROUND**

On November 6, 2023, the Court issued its First Screening Order. (Doc. 10.) It found Plaintiff stated a cognizable Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Jane Doe, L.V.N., but failed to state any other cognizable claim against any other defendant. (*Id.* at 4-7.) Plaintiff was directed to do one of the following within 21 days: (1) notify the Court he did not wish to file a first amended complaint and instead was willing to proceed only on the Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Jane Doe, the remaining claims to be dismissed; or (2) file a first amended

1 complaint curing the deficiencies identified in the Court’s order, or (3) file a notice of voluntary  
2 dismissal. (*Id.* at 7-9.)

3 On November 27, 2023, Plaintiff filed a notice indicating his wish to proceed only on the  
4 claim found cognizable by the Court. (*See* Doc. 11.)

5 **II. CONCLUSION AND RECOMMENDATIONS**

6 For the reasons given above, the Court **RECOMMENDS** that:

- 7 1. This action **PROCEED** only on Plaintiff’s Eighth Amendment deliberate indifference  
8 to serious medical needs claim against Defendant Jane Doe L.V.N., the remaining  
9 claims to be dismissed; and  
10 2. The California Department of Corrections and Rehabilitation and John Does 1 through  
11 10 be **DISMISSED** from this action.

12 These Findings and Recommendations will be submitted to the district judge assigned to  
13 this case, pursuant to 28 U.S.C. § 636(b)(1). **Within 14 days** of the date of service of these  
14 Findings and Recommendations, a party may file written objections with the Court. The  
15 document should be captioned, “Objections to Magistrate Judge’s Findings and  
16 Recommendations.” Failure to file objections within the specified time may result in waiver of  
17 rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*  
18 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

19  
20 IT IS SO ORDERED.

21 Dated: **December 1, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE